

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

<p>INTERSTATE POWER AND LIGHT COMPANY,</p> <p>Plaintiff,</p> <p>v.</p> <p>IOWA UTILITIES BOARD, A DIVISION OF THE DEPARTMENT OF COMMERCE, STATE OF IOWA,</p> <p>Respondent.</p>	<p>Case No. CVCV065011</p> <p>PETITION TO INTERVENE</p>
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Pursuant to Iowa Code § 17A.19(2) and Iowa Rule of Civil Procedure 1.407, the Office of Consumer Advocate (OCA), a division of the Iowa Department of Justice, petitions to intervene in this matter, and in support of its petition states as follows:

1. The OCA is tasked with appearing “for all consumers generally and the public generally in all actions instituted in any state or federal court which involve the validity of a rule, regulation or order of the utilities board.” Iowa Code § 475A.2(4).
2. The OCA acts “as attorney for and represent[s] all consumers generally and the public generally in proceedings before federal and state agencies and related judicial review proceedings and appeals, at the discretion of the consumer advocate.” Iowa Code § 475A.2(5).
3. Petitioner Interstate Power and Light Company is a party to Docket No. RPU-2021-0003, *In re: Interstate Power and Light Company*, before the Iowa Utilities Board (IUB). OCA is also a party to the docket.

4. On January 30, 2023, Interstate Power and Light Company filed a petition seeking judicial review of the Board's Final Order issued November 9, 2022, in Docket No. RPU-2021-0003.

5. Iowa Rule of Civil Procedure 1.407(1) provides for intervention as a matter of right when: (1) "a statute confers an unconditional right to intervene;" or (2) the applicant has an interest in the subject of the action and the disposition of the action might impair the applicant's ability to protect that interest, unless the interest is adequately represented by the existing parties.

6. OCA believes it has an unconditional right to intervene in this proceeding pursuant to Iowa Code §§ 475A.2(4) and 475A.2(5).

7. In addition, OCA is a party interested in the subject of this action on behalf of consumers and the public generally. The OCA's interest in representing all consumers and the public generally are not adequately represented by the existing parties. The OCA is the only party that can adequately represent this interest.

8. Pursuant to Iowa Rule of Civil Procedure 1.1603(1), OCA states it intends to join with the Respondent in this proceeding with respect to defending the agency action in question. OCA takes no position on Respondent's February 28, 2023 Motion to Dismiss. OCA plans to observe, but not participate in, the March 17, 2023 hearing on the motion.

9. No party to this action will be prejudiced by the intervention of the OCA.

WHEREFORE, the OCA respectfully requests that the Court grant this Petition to Intervene, and such other relief as the Court deems just and appropriate.

Respectfully submitted,

/s/ Craig F. Graziano
Craig F. Graziano, AT0002935
Acting Consumer Advocate

/s/ John Crotty
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OFFICE OF CONSUMER ADVOCATE,

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2023, the foregoing document was filed with the Clerk of Court using the EDMS system which will send electronic notice of the filing to the parties of record. Further, I certify the foregoing document was sent to the Iowa Utilities Board's general counsel through electronic mail.

/s/ John Crotty
John Crotty